

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CONNECTU LLC,  
Plaintiffs,

v.

MARK ZUCKERBERG, EDUARDO SAVERIN,  
DUSTIN MOSKOVITZ, ANDREW MCCOLLUM,  
CHRISTOPHER HUGHES, and FACEBOOK,  
INC.,

Defendants.

CIVIL ACTION NO. 1:04-CV-11923  
(DPW)

MARK ZUCKERBERG, and FACEBOOK, INC.,  
Counterclaimants,

v.

CONNECTU LLC,  
Counterdefendant,

and

CAMERON WINKLEVOSS, TYLER  
WINKLEVOSS, and DIVYA NARENDRA,

Additional Counterdefendants.

**AMENDED NOTICE OF DEPOSITION OF CAMERON WINKLEVOSS**

06/14/2006 17:38 FAX

ORRICK

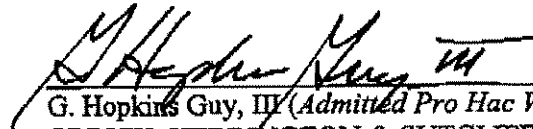
011/013

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT pursuant to Rule 30 of the Federal Rules of Civil Procedure Defendant and Counterclaimant Facebook, Inc. will take, by oral examination, the deposition of Cameron Winklevoss, which will commence on June 20, 2006, at 9:00 a.m.. at the law offices of Proskauer Rose, LLP, One International Plaza, 14th Floor, Boston, MA 02110-2600, (617) 526-9600, or at such other time and place as mutually agreed upon by counsel. The deposition will continue from day to day until completed.

The testimony of Mr. Winklevoss will be recorded by video, as well as stenographic means including the instant visual display of testimony. The deposition will be taken before an officer authorized by law to administer oaths pursuant to Rule 28 of the Federal Rules of Civil Procedure.

Dated: June 14, 2006

  
G. Hopkins Guy, III (*Admitted Pro Hac Vice*)

ORRICK, HERRINGTON & SUTCLIFFE LLP  
1000 Marsh Road  
Menlo Park, CA 94025  
Telephone: (650) 614-7400  
Facsimile: (650) 614-7401

PROSKAUER ROSE, LLP  
One International Plaza, 14th Floor  
Boston, MA 02110-2600  
Telephone: (617) 526-9600  
Facsimile: (617) 526-9899

Attorneys for Mark Zuckerberg,  
Dustin Moskovitz, Andrew McCollum, Christopher  
Hughes, and Facebook, Inc.

06/14/2006 17:39 FAX

ORRICK

012/013

AO88 (Rev. 1/94) Subpoena in a Civil Case

**Issued by the  
UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

CONNECTU LLC,

SUBPOENA IN A CIVIL CASE

V.

Case Number: 1:04-CV-11923 (DPW)

MARK ZUCKERBERG, et al.

TO: CAMERON WINKLEVOSS  
8 Museum Way  
Cambridge, MA 02141

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

- ☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION PROSKAUER ROSE, LLP One International Plaza, 14th Floor Boston, MA 02110-2600 (617) 526-9600	DATE AND TIME June 20, 2006 at 9:00 a.m.
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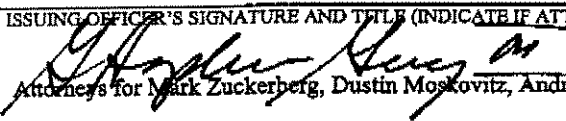
- ☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE	DATE AND TIME
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- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)  Attorneys for Mark Zuckerberg, Dustin Moskovitz, Andrew McCollum, Christopher Hughes, and Facebook, Inc.	DATE June 14, 2006
--	-----------------------

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

G. Hopkins Guy, III  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
1000 Marsh Road, Menlo Park, CA 94025  
(650) 614-7400

(See Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D on next page)

06/14/2006 17:39 FAX

ORRICK

013/013

AO88 (Rev. 1/94) Subpoena in a Civil Case

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**PROOF OF SERVICE**


---

DATE

TIME

**SERVED**

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

---

**DECLARATION OF SERVER**


---

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

---

**Rule 45, Federal Rules of Civil Procedure, Parts C & D:**


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**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance,

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except

that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

**(d) DUTIES IN RESPONDING TO SUBPOENA.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CONNECTU LLC,  
Plaintiffs,

v.

MARK ZUCKERBERG, EDUARDO SAVERIN,  
DUSTIN MOSKOVITZ, ANDREW MCCOLLUM,  
CHRISTOPHER HUGHES, and FACEBOOK,  
INC.,

Defendants.

CIVIL ACTION NO. 1:04-CV-11923  
(DPW)

MARK ZUCKERBERG, and FACEBOOK, INC.,  
Counterclaimants,

v.

CONNECTU LLC,  
Counterdefendant,

and

CAMERON WINKLEVOSS, TYLER  
WINKLEVOSS, and DIVYA NARENDRA,

Additional Counterdefendants.

**AMENDED NOTICE OF DEPOSITION OF TYLER WINKLEVOSS**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT pursuant to Rule 30 of the Federal Rules of Civil Procedure Defendant and Counterclaimant Facebook, Inc. will take, by oral examination, the deposition of Tyler Winklevoss, which will commence on June 20, 2006, at 1:00 p.m. at the law offices of Proskauer Rose, LLP, One International Plaza, 14th Floor, Boston, MA 02110-2600, (617) 526-9600, or at such other time and place as mutually agreed upon by counsel. The deposition will continue from day to day until completed.

The testimony of Mr. Winklevoss will be recorded by video, as well as stenographic means including the instant visual display of testimony. The deposition will be taken before an officer authorized by law to administer oaths pursuant to Rule 28 of the Federal Rules of Civil Procedure.

Dated: June 14, 2006



G. Hopkins Guy, III (*Admitted Pro Hac Vice*)  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
1000 Marsh Road  
Menlo Park, CA 94025  
Telephone: (650) 614-7400  
Facsimile: (650) 614-7401

PROSKAUER ROSE, LLP  
One International Plaza, 14th Floor  
Boston, MA 02110-2600  
Telephone: (617) 526-9600  
Facsimile: (617) 526-9899

Attorneys for Mark Zuckerberg,  
Dustin Moskovitz, Andrew Mccollum, Christopher  
Hughes, and Facebook, Inc.

06/14/2006 17:37 FAX

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AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the  
**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MASSACHUSETTS**

CONNECTU LLC,

SUBPOENA IN A CIVIL CASE

V.

Case Number: 1:04-CV-11923 (DPW)

MARK ZUCKERBERG, et al.

TO: **TYLER WINKLEVOSS**  
**100 Lansdowne Street**  
**Cambridge, MA**

☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

**PROSKAUER ROSE, LLP**  
**One International Plaza, 14th Floor**  
**Boston, MA 02110-2600**  
**(617) 526-9600**

DATE AND TIME

June 20, 2006 at 1:00 p.m.

☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE

DATE AND TIME

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

*G. Hopkins Guy, III*  
 Attorneys for Mark Zuckerberg, Dustin Moskovitz, Andrew McCollum, Christopher Hughes, and  
**Facebook, Inc.**

June 14, 2006

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

G. Hopkins Guy, III  
 ORRICK, HERRINGTON & SUTCLIFFE LLP  
 1000 Marsh Road, Menlo Park, CA 94025  
 (650) 614-7400

(See Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D on next page)



06/14/2006 17:38 FAX

ORRICK

009/013

AO88 (Rev. 1/94) Subpoena in a Civil Case

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**PROOF OF SERVICE**


---

DATE

TIME

**SERVED**

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

---

**DECLARATION OF SERVER**


---

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

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**Rule 45, Federal Rules of Civil Procedure, Parts C & D:**


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**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except

that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

**(B) If a subpoena**

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

**(d) DUTIES IN RESPONDING TO SUBPOENA.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CONNECTU LLC,

Plaintiffs,

v.

MARK ZUCKERBERG, EDUARDO SAVERIN,  
DUSTIN MOSKOVITZ, ANDREW MCCOLLUM,  
CHRISTOPHER HUGHES, and FACEBOOK,  
INC.,

Defendants.

CIVIL ACTION NO. 1:04-CV-11923  
(DPW)

MARK ZUCKERBERG, and FACEBOOK, INC.,

Counterclaimants,

v.

CONNECTU LLC,

Counterdefendant,

and

CAMERON WINKLEVOSS, TYLER  
WINKLEVOSS, and DIVYA NARENDRA,

Additional Counterdefendants.

**PROOF OF SERVICE VIA FACSIMILE AND FEDERAL EXPRESS**

I am more than eighteen years old and not a party to this action. My place of employment and business address is 1000 Marsh Road, Menlo Park, CA 94025.

On June 14, 2006, I delivered to the below listed individuals the following documents:

1. AMENDED NOTICE OF DEPOSITION OF CAMERON WINKLEVOSS
2. SUBPOENA IN A CIVIL CASE TO CAMERON WINKLEVOSS
3. AMENDED NOTICE OF DEPOSITION OF TYLER WINKLEVOSS
4. SUBPOENA IN A CIVIL CASE TO TYLER WINKLEVOSS

06/14/2006 17:37 FAX

ORRICK

005/013

<b>X</b>	By transmitting via facsimile the document(s) listed above to the fax number(s) set forth below before 5:00 p.m. on June 14, 2006.
	By placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Menlo Park, California addressed as set forth below on June 14, 2006.
	By causing personal delivery by WESTERN MESSENGER of the document(s) listed above to the person(s) at the address(es) set forth below.
	By personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
<b>X</b>	By placing a true and correct copy of the document(s) in a Federal Express envelope addressed as set forth below and then sealing the envelope, affixing a pre-paid Federal Express air bill, and causing the envelope to be delivered to a Federal Express agent for delivery.

**John F. Hornick, Esq.,**  
**Troy E. Grabow, Esq.**  
 Finnegan, Henderson, Farabow, Garrett &  
 Dunner, LLP  
 901 New York Ave.  
 Washington, D.C. 20001  
 Telephone: (202) 408-4000  
 Facsimile: (202) 408-4400

**ATTORNEYS FOR PLAINTIFF CONNECTU**

**Robert B. Hawk, Esq.**  
**Bhanu K. Sadasivan, Esq.**  
 Heller Ehrman, LLP  
 275 Middlefield Road  
 Menlo Park, CA 94025  
 Telephone: (650) 324-7000  
 Facsimile: (650) 324-0638

**Daniel K. Hampton, Esq.**  
 Holland & Knight, LLP  
 10 St. James Avenue, 11th Floor  
 Boston, MA 02116  
 Telephone: (617) 523-2700  
 Facsimile: (617) 523-6850

**ATTORNEYS FOR DEFENDANT EDUARDO SAVERIN**

Executed on June 14, 2006, at Menlo Park, California. I declare under penalty of perjury that the foregoing is true and correct.

\_\_\_\_\_  
 Amy Dalton